

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO ALMAGUER,

Defendant.

No. CR-08-2018-RHW-1

ORDER ON MOTION TO EXPEDITE,  
MOTION TO RECONSIDER AND  
SETTING CONDITIONS  
OF RELEASE

☒ MOTION GRANTED  
(Ct. Rec. 199)

☒ MOTION GRANTED  
(Ct. Rec. 202)

**IT IS ORDERED** that the release of the Defendant is subject to the following:

**STANDARD CONDITIONS OF RELEASE**

(1) Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise the supervising Pretrial Services Officer and defense counsel within one business day of any charge, arrest, or contact with law enforcement.

(2) Defendant shall immediately advise the court, defense counsel and the U.S. Attorney in writing before any change in address and telephone number.

(3) Defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.

(4) Defendant shall sign and complete A.O. 199C before being released and shall reside at the address furnished.

(5) Defendant shall not possess a firearm, destructive device or other dangerous weapon.

(6) Defendant shall report to the United States Probation Office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct.

(7) Defendant shall contact defense counsel at least once a week.

(8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year, to possess, ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

#### BOND

(9) Defendant shall:

☐ Execute an unsecured appearance bond in the amount of \_\_\_\_\_ dollars

(\$\_\_\_\_\_) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

☐ Execute an unsecured appearance bond, to be co-signed by \_\_\_\_\_, in the amount of \_\_\_\_\_ dollars

(\$\_\_\_\_\_) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

☒ Execute: ☐ \$\_\_\_\_\_ corporate surety bond

☒ \$100,000.00 property bond

☐ \$\_\_\_\_\_ cash bond

☐ \$\_\_\_\_\_ percentage bond, with  
\$\_\_\_\_\_ paid in cash

#### ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the Defendant and the safety of other persons and the community,



1 **IT IS FURTHER ORDERED** that the release of the Defendant is subject  
 2 to the following additional conditions:

3 ☐ (10) The Defendant is placed with:

4 \_\_\_\_\_  
 5 Name of person or organization

6 \_\_\_\_\_  
 7 Address

8 \_\_\_\_\_  
 9 City and State Tele. Number

10 \_\_\_\_\_  
 11 Signature Date

12 who agrees to sign a copy of this Order, **to be kept in Pretrial**  
 13 **Services' file**; supervise the Defendant consistent with all the  
 14 conditions of release; use every effort to assure the appearance of  
 15 the Defendant at all scheduled court proceedings; and notify the  
 16 court immediately in the event the Defendant violates any conditions  
 17 of release or disappears.

18 ☐ (11) Maintain or actively seek lawful employment.

19 ☐ (12) Maintain or commence an education program.

20 ☒ (13) Surrender any passport to Pretrial Services and does not  
 21 apply for a new passport.

22 ☐ (14) Defendant shall remain in the:

23 ☐ Eastern District of Washington or ☐ State of Washington  
 24 while the case is pending. On a showing of necessity, Defendant may  
 25 obtain prior written permission to leave this area from the United  
 26 States Probation Office.

27 ☐ Exceptions:

28 ☐ (15) Avoid all contact, direct or indirect, with any persons who

are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to:

☐ (16) Avoid all contact, direct or indirect, with:

☐ Known felons

☐ Co-Defendant(s)

☐ (17) Undergo medical or psychiatric treatment and/or remain in an institution as follows:

☒ (18) Refrain from: ☒ any ☐ excessive use of alcohol

☐ (19) There shall be no alcohol in the home where Defendant resides.

☒ (20) There shall be no firearms in the home where Defendant resides.

☒ (21) Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

☐ (22) Except for employment purposes, Defendant shall not have access to the internet, including cell phones with internet access.

☐ (23) Defendant may not be in the presence of minors, unless a responsible, knowledgeable adult is present at all times.

#### **SUBSTANCE ABUSE EVALUATION AND TREATMENT**

If Defendant is required to submit to a substance abuse evaluation, inpatient or outpatient treatment, the following shall apply:

Defendant shall complete treatment indicated by an evaluation or recommended by Pretrial Services and shall comply with all rules of a treatment program. Defendant shall be responsible for the cost of testing, evaluation and treatment, unless the United States Probation Office should determine otherwise. The United States Probation Office shall also determine the time and place of testing



1 and evaluation and the scope of treatment. If Defendant fails in  
2 any way to comply or cooperate with the requirements and rules of a  
3 treatment program, Pretrial Services shall notify the court and the  
U.S. Marshal, who will be directed to immediately arrest the  
Defendant.

4 Defendant shall participate in one or more of the following  
5 treatment programs:

6 ☒ (24) **Substance Abuse Evaluation:** Defendant shall undergo a  
substance abuse evaluation:

7 ☒ if directed by a U.S. Probation Officer.

8 ☐ as directed by a U.S. Probation Officer.

9 ☐ Prior to release, Defendant must have an appointment for a  
10 substance abuse evaluation, and the appointment must be  
11 confirmed to the court by Pretrial Services. Defendant will  
12 be released:

13 ☐ one day prior to, or ☐ on the morning of his appointment.

14 ☐ (25) **Inpatient Treatment:** Defendant shall participate in an  
15 intensive inpatient treatment program.

16 ☐ Prior to release, an available bed and date of entry must be  
17 confirmed by Pretrial Services.

18 ☐ Defendant will be released to an agent of the inpatient  
19 program on \_\_\_\_\_.

20 ☐ Prior to release from inpatient treatment, an outpatient  
21 treatment program must be presented to the court. If  
22 Defendant does not have a structured outpatient treatment  
23 program in place prior to conclusion of her inpatient  
24 treatment, Defendant automatically will go back into the  
25 custody of the U.S. Marshal.

26 ☐ Following inpatient treatment, Defendant shall participate in  
27 an aftercare program.  
28

☐ (26) **Outpatient Treatment:** Defendant shall participate in intensive outpatient treatment.

☐ Prior to release, an appointment for Defendant's first counseling session must be made and confirmed by Pretrial Services. Defendant will be released:

☐ one day prior to, or ☐ on the morning of his appointment

☐ (27) **Other:** \_\_\_\_\_

☐ (28) **Prohibited Substance Testing:** If random urinalysis testing is not done through a treatment program, random urinalysis testing shall be conducted through Pretrial Services, and shall not exceed six (6) times per month. Defendant shall submit to any method of testing required by the Pretrial Service Office for determining whether the Defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. Defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of prohibited substance testing. Full mutual releases shall be executed to permit communication between the court, Pretrial Services, and the treatment vendor. Treatment shall not interfere with Defendant's court appearances.

#### HOME CONFINEMENT/ELECTRONIC/GPS MONITORING

☒ (29) Defendant shall participate in one or more of the following home confinement program(s):



1     ☐ **Electronic Monitoring.** The Defendant shall participate in a  
2     program of electronically monitored home confinement. The  
3     Defendant shall wear, at all times, an electronic monitoring  
4     device under the supervision of U.S. Probation. In the event the  
5     Defendant does not respond to electronic monitoring or cannot be  
6     found, the U.S. Probation Office shall forthwith notify the  
7     United States Marshals' Service, who shall immediately find,  
8     arrest and detain the Defendant. The Defendant shall pay all or  
9     part of the cost of the program based upon ability to pay as  
10    determined by the U.S. Probation Office.

11   ☒ **GPS Monitoring.** The Defendant shall participate in a program  
12   of GPS confinement. The Defendant shall wear, at all times, a  
13   GPS device under the supervision of U.S. Probation. In the event  
14   the Defendant does not respond to GPS monitoring or cannot be  
15   found, the U.S. Probation Office shall forthwith notify the  
16   United States Marshals' Service, who shall immediately find,  
17   arrest and detain the Defendant. The Defendant shall pay all or  
18   part of the cost of the program based up ability to pay as  
19   determined by the U.S. Probation Office.

20   ☐ **Curfew.** Defendant shall be restricted to his/her residence:

21       ☐ every day from \_\_\_\_\_ to \_\_\_\_\_

22       ☐ as directed by the Pretrial Services Office

23   ☒ **Home detention.** Defendant shall be restricted to his/her  
24   residence at all times except for: attorney visits; court  
25   appearances; case-related matters; court-ordered obligations; or  
26   other activities as pre-approved by the Pretrial Services Office  
27   or supervising officer, as well as:

28       ☐ employment   ☐ education   ☐ religious services

☐ Maintain residence at a halfway house or community corrections center, as deemed necessary by the Pretrial Services Office or ~~supervising~~ officer.

DATED June 18, 2009.

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